

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EUGENE CHRISTOPHER BANKS,

Plaintiff,

v.

ORDER

Civil File No. 08-5792 (MJD/JJK)

CAL R. LUDEMAN, DENNIS
BENSON, NANCY JOHNSTON,
GREG CARLSON, BRIAN
NINNEMAN, THOMAS
LUNDQUIST, and ALLISON
ECKLUND, in their individual
and official capacities,

Defendants.

Eugene Christopher Banks, pro se.

Barbara E. Berg Windels, Minnesota Attorney General's Office, Counsel for
Defendants.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated March 11, 2009 [Docket No. 14]. Defendants have filed an objection to the Report and Recommendation [Docket No. 15]. Pursuant to statute, the Court has conducted a de novo review

of the record. See 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss [Docket No. 5] is **DENIED**.

Date: May 17, 2009

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court